

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

MARSHALL H. MURDOCK, <i>pro se</i> ,)	
)	
Plaintiff)	
)	
v.)	No. 3:12-1244
)	Judge Sharp/Bryant
PATSY BRUCE, <i>et al.</i> ,)	Jury Demand
)	
Defendants)	

O R D E R

Plaintiff Murdock has filed his motion to withdraw motion for a jury trial and to have a stipulation for a nonjury trial and a trial before the Court (Docket Entry 15). By this motion, Plaintiff Murdock states that, despite the jury demand in his complaint, he now wishes to revoke his demand for trial by jury and instead have this case tried to the Court without a jury. Defendants have not responded to this motion.

Rule 39(a) of the Federal Rules of Civil Procedure states that when any party has demanded a trial by jury under Rule 38, the case must be tried to a jury unless all parties stipulate to a nonjury trial or the Court finds that on some or all of the issues there is no federal right to a jury trial. No such stipulation by all parties or order of the Court has been entered in this case. Accordingly, Plaintiff's motion for waiver of his jury demand and a trial to the Court without a jury must be denied.

For the reasons stated above, Plaintiff's motion to waive his demand for trial by jury is **DENIED** without prejudice to the

filing of a stipulation by all parties waiving the demand for trial
by jury.

It is so **ORDERED**.

/s/ John S. Bryant
JOHN S. BRYANT
United States Magistrate Judge